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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/759,578

01/16/2004

Atul Batra

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ORRICK, HERRINGTON & SUTCLIFFE, LLP  
IP PROSECUTION DEPARTMENT  
4 PARK PLAZA  
SUITE 1600  
IRVINE, CA 92614-2558

EXAMINER

EL-ZOOBI, MARIA

ART UNIT

PAPER NUMBER

2614

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/759,578	<b>Applicant(s)</b> BATRA ET AL.	
	<b>Examiner</b> MARIA EL-ZOOBI	<b>Art Unit</b> 2614	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01/16/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____.                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                          |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.
2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-4 and 6-14 are rejected under 35 U.S.C. 102(e) as being unpatentable by Falvo (US Publication 2003/0140343).

Regarding claim 1, Falvo discloses a television messaging system (Fig. 2 and Paragraph 0047) Comprising:

a television having a display screen (Fig. 2, el. 215) and an input signal sensor (Fig 2, el. 235 and Paragraph 0039; the input function occurs through RF or IF) and

a control system coupled to the display device and the input sensor (Paragraph 0039 and Fig. 2, el. 205) and

a remote control device (Fig. 2, el. 210 and Paragraph 0039) operably coupled to the input signal sensor (see Fig. 2 in which el. 210 communicate with el. 205 also see Paragraph 0039), the remote control device including a touch sensitive pad area (Paragraph 0040) and a signal transmitter (not shown but inherent; since the communication between the remote control and the STB is being done through IR or IF)

wherein the remote control device is configured to generate alpha/numeric characters through keyed entry on a keypad or stroke entry on the touch sensitive pad (Paragraph 0052) and generate sketch images through stroke entry on the touch sensitive pad (Paragraph 0052; the reference clearly teaches that graphic may be generated using the touch pad) and configured to transmit each character and image as generated in an input signal directed to the television (Paragraph 0053)

wherein the control system is configured to causes each character and image contained in input signals received from the remote control device to be displayed on an display screen in the form of a message and /or sketch image (Paragraph 0048, 0061 and 0075-0078).

Regarding claim 3, Falvo discloses, wherein the control system is manipulatable to cause the messages to be erased (Paragraph 0063 and 0076).

Regarding claim 4, Falvo further discloses, wherein the control system is manipulatable to cause the messages to be replied to (Paragraph 0063 also see Fig. 9).

Claim 5: cancelled.

Regarding claim 6, Falvo discloses, wherein the control system includes a central processing unit (CPU) and an on screen display control coupled to the CPU and the display screen (Paragraph 0039-0040, 0061 and Fig. 3, el. 335 the STB is a digital STB therefore, it include a CPU and an on screen display control coupled to the CPU and the display screen in order to display the received message on the TV screen in the selected format).

Regarding claim 7, Falvo discloses, wherein the CPU includes nonvolatile memory (see claim 6 analysis).

Regarding claim 8, Falvo discloses comprising messaging software stored in the nonvolatile memory and running on the CPU (0069; the intercom messaging application).

Regarding claim 9, Falvo discloses, wherein the remote control includes a message button to activate the message system (Paragraph 0052).

Regarding claim 10, Falvo discloses, wherein the remote control includes a plurality of input mode keys (Fig. 6, Paragraph 0052, 0037 and Fig. 2, el. 240; the keys enable the user to switch between channels, interact with the TV or choose the intercom mode).

Regarding claim 11, Falvo discloses, wherein the remote control includes an input mode key toggle between a plurality of input modes (Fig. 6, Paragraph 0052, 0037 and Fig. 2, el. 240; the keys enable the user to switch between channels, interact with the TV or choose the intercom mode).

Regarding claim 12, Falvo discloses, wherein the remote control includes a stylus (Paragraph 0040).

Regarding claim 13, Falvo discloses, wherein the remote control includes a microprocessor (Paragraph 0039 and 0071).

Regarding claim 14, Falvo discloses, further discloses, wherein the remote control includes nonvolatile memory (Paragraph 0061, 0070).

Claims 16-20 cancelled.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Falvo (US Publication 2003/0140343) in view of Michael (US Patent 6,732,368).

Regarding Claim 2, Falvo discloses, wherein the control system cause the message to be sent to the TV (see claim 1 analysis), also Falvo teaches that message system cause the messages to be sent to a different home devices (Fig. 7; see el. send to also see Paragraph 0061).

Falvo does not explicitly teaches that the control system cause the message to be sent to a system mailbox

Michael in similar art of endeavor teaches a television message system, wherein the user uses a mart terminal "like remote control" to send a message to the TV via a set top box.

Michael also teaches that the set top box can cause the message to be sent to a voice mail system (col. 5, lines 1-7 and Col. 6, lines 15-39).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to modify Falvo set top box "control system" with Michael teaching in order to increase the system capabilities by giving the user more choices for the message's destination.

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Falvo (US publication 2003/0140343) in view of Mault (US Publication 2002/0047867).

Regarding claim 15, Falvo discloses, wherein the remote control includes an intercom application software stored in the nonvolatile memory and running on the microprocessor (Paragraph 0069,0061 and Fig. 4, reads on the "intercom application" to receive the input from the keypad or the touch screen and then transfer the message to the STB; the intercom application software enable the user form writing message including characters, numbers and figures).

Falvo does not expressly teaches the software is a character recognition Software.

Mault in similar art of endeavor discloses, using a remote control "could be a PDA" to enter information from the keypad and display theses information on the TV through a STB, and the processor in the remote control run a character recognition software (Paragraph 0052, 0070 and 0082).

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Falvo in view of Mault in order to use Known technique to improve similar device in same way.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARIA EL-ZOOBI whose telephone number is (571)270-3434. The examiner can normally be reached on Monday-Friday (8AM-5 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. E./

Examiner, Art Unit 2614

/Curtis Kuntz/

Supervisory Patent Examiner, Art Unit 2614